Calendar No. 574

99TH CONGRESS
2d Session

SENATE

REPORT
99-263

REDUCTION OF TERMS OF OFFICE OF MEMBERS OF THE FEDERAL COMMUNICATIONS COMMISSION

MARCH 21 (legislative day, MARCH 18), 1986.—Ordered to be printed

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Mr. DANFORTH, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

[To accompany S. 2179]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 2179) to amend the Communications Act of 1934 to provide for reduction in the term of office of members of the Federal Communications Commission, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

S. 2179, as reported, shortens the length of the terms of Federal Communications Commission [FCC] members from 7 years to 5 years. It also adjusts the terms of two seats to ensure that a term will expire every year. The bill also provides that these changes shall not affect the terms of sitting FCC members.

BACKGROUND AND NEEDS

In 1982, in Public Law 97-253, Congress reduced the size of the FCC from seven members to five members. This reduction took effect on July 1, 1983. At that time, however, Congress did not adjust the length of the FCC members' terms from 7 years to 5 years.

As a result, no FCC terms will expire in 2 years out of every 7 years. For example, in 1989 and 1990, no terms are prescribed by law to end.

This is of concern to the Committee, for two reasons. First, the new President elected in 1988 may not have the opportunity to ap-

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point any member to the FCC until 1991. Similar gaps in a President's ability to appoint members to the Commission will occur in later years if no adjustment is made. Second, FCC nomination hearings provide the Committee with the opportunity to engage in oversight of Commission activities, as well as to examine the qualifications of a particular candidate. By adjusting the terms so that one term is prescribed to expire every year, the Committee will be better able to monitor regularly general Commission policies.

Legislative History

S. 2179 was introduced by Senator Goldwater on March 11, 1986. On March 13, 1986, the Committee ordered S. 2179 to be reported favorably, with an amendment.

Estimated Costs

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, DC, March 19, 1986.

Hon. John C. Danforth,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed S. 2179, a bill to amend the Communications Act of 1934 to provide for a reduction in the term of office of members of the Federal Communications Commission (FCC), and for other purposes, as ordered reported by the Senate Committee on Commerce, Science, and Transportation, March 13, 1986. We estimate that enactment of this bill will result in no additional costs to the federal government or to state or local governments.

S. 2179 would reduce the term of office of members of the FCC from seven years to five years effective on the date of the bill's enactment. The bill contains a provision that would adjust and extend the expiration dates of two current appointments to ensure that all current terms expire by 1992 and a provision that would ensure that existing commissioners may serve out their current terms in full. It is expected that these changes will result in no additional costs to the FCC.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,
Sincerely,

Rudolph G. Penner,
Director.

Regulatory Impact Statement

In accordance with paragraph 11(b) of rule XXVI of the Standing rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported.

S. 2179, in reducing the length of the terms of the members of the FCC, does not affect the term of any sitting member. Therefore, this bill has no regulatory or economic impact, nor any impact on personal privacy and paperwork burdens.

Section-by-Section Analysis

Subsection (a) of the first section of S. 2179 amends section 4(c) of the Communications Act of 1934 (47 U.S.C. 154(c)) to reduce the terms of Commissioners from 7 years to 5 years.

Subsection (b) of the first section provides that this reduction in the length of terms takes effect on the date of enactment of this act, except that:

1. Upon the expiration of the term set to expire on June 30, 1986, any person appointed to the FCC to fill the following term shall be eligible to serve until June 30, 1990; and any person appointed to the FCC term set to expire on June 30, 1987 shall be eligible to serve until June 30, 1989; and

2. Notwithstanding the reduction in terms from 7 years to 5 years, this act shall not affect the terms of any persons appointed to the terms set to expire on June 30, 1988, June 30, 1991, and June 30, 1992.

As the law currently stands, the Commission roster looks as follows:

Seat:	*Expires*
Fowler	1986
(Nominee pending)	1987
Dawson	1988
XXXXXX	1989
XXXXXX	1990
Quello	1991
Patrick	1992

After passage of this bill, the Commission roster will look as follows:

Seat:	*Expires*
Fowler	1986
XXXXXX	1987
Dawson	1988
(Nominee pending)	1989
(Successor to Fowler seat)	1990
Quello	1991
Patrick	1992

Changes in Existing Law

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

THE COMMUNICATIONS ACT OF 1934

SECTION 4 OF THAT ACT

PROVISIONS RELATING TO THE COMMISSION

SEC. 4. (a)–(b) * * *

(c) Commissioners shall be appointed for terms of [seven] *5* years and until their successors are appointed and have been confirmed and taken the oath of office, except that they shall not continue to serve beyond the expiration of the next session of Congress subsequent to the expiration of said fixed term of office; except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the Commissioner whom he succeeds. No vacancy in the Commission shall impair the right of the remaining commissioners to exercise all the powers of the Commission.

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Calendar No. 580

99TH CONGRESS
2d Session

SENATE

REPORT
99-266

SPACE SHUTTLE DONATIONS

MARCH 26 (legislative day, MARCH 18), 1986.—Ordered to be printed

Mr. DANFORTH, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

[To accompany S. 2054]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 2054) to provide that the National Aeronautics and Space Administration may accept gifts and donations for a space shuttle which may be named Challenger II, having considered the same, reports favorably thereon with an amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of S. 2054, as reported, is to permit NASA to accept conditional gifts and donations for the express purpose of building a replacement space shuttle.

BACKGROUND AND NEEDS

Since the January 28, 1986, Space Shuttle Challenger accident and the loss of its crew, there have been a significant number of private donations for the specific purpose of replacing the Space Shuttle Challenger. However, the National Aeronautics and Space Act of 1958, which created the National Aeronautics and Space Administration (NASA), authorized NASA to accept only unconditional gifts. In the present case, the gifts and donations have been made on the condition that they are to be used to replace the Shuttle Challenger.

To allow NASA to accept the funds that are being donated specifically for a replacement shuttle, certain restrictions in the 1958 act must be temporarily relaxed. S. 2054, as introduced, allows NASA to accept conditional gifts and donations and to expend these gifts

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and donations for the construction of a replacement shuttle. A second provision of S. 2054 states that if the shuttle program is discontinued before the completion of construction of that replacement shuttle, NASA will not be allowed to accept any more donations for that purpose, and NASA will be able to use, at its discretion, the remaining funds that have been donated.

S. 2054, as introduced, assumes that a decision has been made or will be made to construct a replacement shuttle. S. 2054 does not speak to the possibility that the administration or Congress may decide not to build a replacement shuttle. Therefore, the Committee determined that S. 2054, as introduced, should be amended to clarify the treatment of donations if the administration or Congress do not approve the replacement of the Shuttle Challenger. In this case, S. 2054, as amended, would disallow NASA from accepting any more gifts or donations to replace the Shuttle Challenger and would permit NASA to use the already-donated funds at its own discretion, which is consistent with NASA's legal rights relative to unconditional gifts.

Legislative History

On February 6, 1986, Senator Nickles, along with Senators Boren, Dixon, Wallop, Dole, and Danforth, introduced S. 2054, whereupon it was referred to the Committee on Commerce, Science, and Transportation.

On March 13, the Committee considered S. 2054. Senator Gorton offered to S. 2054 an amendment which addressed the issue of how to treat gifts and donations if neither the Congress nor the administration approved replacement of the Shuttle Challenger. This amendment clarified S. 2054 so that gifts and donations made to replace the Shuttle Challenger would be treated identically under the following two circumstances:

1. if the shuttle program were discontinued before the completion of the replacement shuttle; or
2. if Congress or the administration did not approve the replacement of the Shuttle Challenger.

The amendment passed without objection. The Committee then ordered S. 2054 to be reported favorably.

Estimated Costs

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, DC, March 21, 1986.

Hon. John C. Danforth,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, 508 Dirksen Senate Office Building, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed S. 2054, a bill to provide that the National Aeronautics and

Space Administration (NASA) may accept gifts and donations for a space shuttle which may be named Challenger II, as ordered reported by the Senate Committee on Commerce, Science, and Transportation, March 13, 1986.

We estimate that enactment of this bill would result in a small savings to the federal government. While the amount of gifts and donations that NASA would receive under this bill cannot be estimated, they are not expected to be substantial. (NASA currently estimates that a new orbiter will cost about $2.4 billion.)

No costs would be incurred by state or local governments as a result of enactment of this bill.

If you wish further detail on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

RUDOLPH G. PENNER, *Director.*

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported.

This legislation authorizes NASA to accept gifts and donations made on the condition that these gifts and donations be used specifically for the replacement of the Space Shuttle Challenger.

Any additional paperwork required of NASA in accepting the conditional gifts and donations should not prove onerous.

Passage of this legislation is not expected to result in significant regulation or have any impact on the personal privacy of any individual.

SECTION-BY-SECTION ANALYSIS

The bill contains one section, which amends the National Aeronautics and Space Act of 1958 (42 U.S.C. 2471 et seq.) by adding a new section 208, authorizing NASA to accept gifts and donations made on the condition that these gifts and donations be used specifically for the replacement of the Space Shuttle Challenger.

The bill, as amended, provides that this authority will terminate if the administration or Congress do not approve the replacement of the Shuttle Challenger. In such a case, NASA would be permitted to use the gifts and donations at its own discretion.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

THE NATIONAL AERONAUTICS AND SPACE ACT OF 1958

TITLE II OF THAT ACT

SEC. 201.—SEC. 207. * * *

DONATIONS FOR SPACE SHUTTLE

SEC. 208. (a) Notwithstanding the provisions of paragraph (4) of subsection (c) of section 203 of this Act or any other provision of law, the Administration is authorized to accept gifts or donations of services, money, or property, real, personal, or mixed, tangible or intangible, and expend such gifts and donations for the construction of a manned space shuttle. Such shuttle may be named Challenger II.

(b) If the manned space shuttle program is discontinued before the completion of construction of such space shuttle or the Administrator does not, either pursuant to any provision of law or as a result of a determination by the Administrator, undertake and complete construction of such space shuttle—

(1) the authority of the Administration to accept gifts or donations pursuant to subsection (a) shall be terminated; and

(2) all such gifts or donations not expended, shall be treated as gifts and donations pursuant to paragraph (4) of subsection (c) of section 203 of this Act and may be expended by the Administrator for the activities of the Administration.

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